

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

TRAVIS HAUGHTON, Register No. 250345,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4127-CV-C-NKL
)	
DR. GADDY, et al.,)	
)	
Defendants.)	

ORDER

On February 7, 2006, the United States Magistrate Judge recommended that the motion of defendants Dr. Gaddy and Nurse Andrea Young for summary judgment be granted. The Magistrate Judge further recommended that plaintiff's countermotion for summary judgment be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record and is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Plaintiff's motions to amend his complaint, filed in response to the recommendation, are denied. Plaintiff originally filed his complaint on April 26, 2005, and has twice been granted leave to file an amended complaint. Furthermore, plaintiff's argument that he only recently was able to determine, via discovery, the name of the nurse J. Galvin, who allegedly denied him prompt medical treatment for his serious medical condition in the early morning hours of April 10, 2002, is not supported by the records in this case. Defendants submitted a copy of plaintiff's medical records with their motion for summary judgment filed on August 18, 2005, which clearly contained the information as to nurse J. Galvin. Pursuant to these factors, Fed. R. Civ. P. 15 does not require leave to amend to be granted.

IT IS, THEREFORE, ORDERED that plaintiff's motions to amend are denied [94, 97].
It is further

ORDERED the Magistrate Judge's February 7, 2005, Report and Recommendation is adopted [93]. It is further

ORDERED that the motion of defendants Dr. Gaddy and Andrea Young for summary judgment is granted and plaintiff's claims against defendants Dr. Gaddy and Nurse Andrea Young are dismissed [47]. It is further

ORDERED that plaintiff's countermotion for summary judgment is denied [62].

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: March 22, 2006
Jefferson City, Missouri